

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.02.2016

CORAM:

THE HON'BLE MR. JUSTICE SATISH K. AGNIHOTRI
and
THE HON'BLE MR. JUSTICE M. VENUGOPAL

W.P. No. 5683 of 2016
and
W.M.P. No.5027 of 2016

1 V. Janarthanan

2 R. Deiva

3 M. Govindaraj

4 K. Valli

5 Vishwanath Sivachariar

6 K. Balasundaram

7 Vigneshwaran

8 K. Athimoolam

9 Thangavel

10 M. Santhi

11 M. Parimala

12 R. Nallathambi

13 V. Indirani

14 Kuppammal

15 P. Kanchana

16 C. Sagadevan

17 Pushpa

18 Murugammal

19 Nallan

Vs.

1. State of Tamil Nadu
represented by Secretary to Government
Land Administration
Fort St. George
Chennai 600 009

2. The District Collector
Thiruvallur

3. The Tahsildar
Ambattur

... Respondents

Writ Petition filed under Article 226 of the Constitution of India for issuance of a writ of mandamus directing the respondents not to evict the petitioners from S.No.450 of Thirumullaivoyal Village, pursuant to the eviction order passed in Na.Ka.486/2015/C1 dated 16.11.2015 passed by the third respondent herein until the appeal in Na.Ka.486/2015/C1 (vide Korikkai No.AA/15/12444) dated 14.12.2015, which is pending on the file of the Collector of Thiruvallur, the second respondent herein.

For petitioners : Mr. R. Sankara Subbu

For respondents : Mr. P.S. Sivashanmugasundaram
Special Government Pleader

ORDER

(delivered by SATISH K. AGNIHOTRI, J.)

Mr. P.S. Sivashanmugasundaram, learned Special Government Pleader, accepts notice for the respondents. With consent, the writ petition is taken up for final disposal, at the admission stage itself.

2. The petitioners, claiming to be belonging to the lower stratum of the society, have filed this writ petition, seeking a writ of mandamus directing the respondents not to evict them, pursuant to the order dated 16 November 2015 passed by the third respondent, whereunder, they were held as encroachers and called upon to vacate the area in question. By the said order, the petitioners were also granted 7 days' time to prefer a statutory appeal, if so advised, before the Revenue Divisional Officer, Ambattur. Pursuant thereto, it appears that the petitioners have preferred an appeal under Section 10 of the Tamil Nadu Land Encroachment Act, 1905,

before the District Collector, Tiruvallur on 14 December 2015. It is also brought to our notice that earlier, the petitioners had approached this Court in two batches of writ petitions, being W.P.Nos. 9541 and 11419 of 2012 and W.P. Nos.14210 to 14244 of 2014, which were disposed of on 05 November 2012 and 04 June 2014 respectively. The second batch of writ petitions was disposed of reserving liberty to the petitioners to file statutory appeal. Accordingly, an appeal was preferred by one of the petitioners on 19 October 2015 before the Revenue Divisional Officer, Ambattur, against the order dated 22 May 2014 passed by the Tahsildar, Ambattur.

3. Be that as it may, looking into the nature of allegation and also, having regard to the pendency of two appeals, one before the Revenue Divisional Officer, Ambattur against the order dated 22 May 2014 filed on 19 October 2015 and another appeal filed before the District Collector, Thiruvallur, against the order dated 16 November 2015 passed by the Tahsildar, Ambattur Taluk, the District Collector, Thiruvallur, is directed to withdraw the appeal pending before the Revenue Divisional Officer, Ambattur, to his file and consider both the appeals together on their own merits and take a conscious decision thereon. In the meantime, if an application is preferred by the petitioners for interim relief, the same may be considered within a period of two weeks. It is made clear that status quo, as obtained today, in respect of the property in question, shall be maintained for a period of two weeks.

The writ petition stands disposed of accordingly. Costs made easy. Connected W.M.P. is closed.

Sd/-

Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

cad

To

1. The Secretary to Government
Land Administration
State of Tamil Nadu
Fort St. George
Chennai 600 009

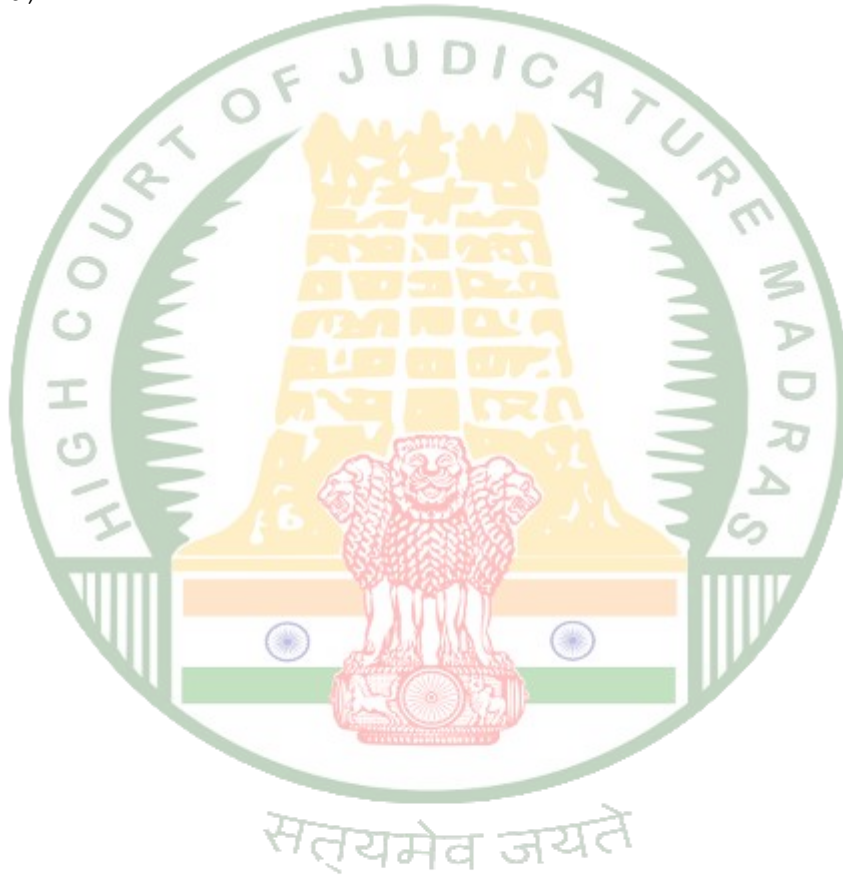
2. The District Collector
Thiruvallur

3. The Tahsildar
Ambattur

+1cc to Mr.R. Sankara Subbu, Advocate, S.R.No.2217
+1cc to the Government Pleader, S.R.No.10006

W.P. No.5683 of 2016

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